

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JOHN HARTSOE,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 16-87-M-DLC-JCL

ORDER

FILED  
NOV 02 2017  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on September 28, 2017, recommending that Defendants State of Montana, Steve Bullock, Sandy Van Skyock, John Strandell, Clinton Fischer, and Philip Grainer be dismissed because Plaintiff John Hartsoe ("Hartsoe") failed to serve these Defendants or comply with the April 19, 2017 Court Order to show good cause for failing to serve these Defendants. (Doc. 91.) Hartsoe did not timely object to the Findings and Recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error

exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 91) are ADOPTED IN FULL. Defendants the State of Montana, Steve Bullock, Sandy Van Skyock, John Strandell, Clinton Fischer, and Philip Grainey are DISMISSED pursuant to Fed. R. Civ. P. 4(m).

DATED this 2<sup>nd</sup> day of November, 2017.



---

Dana L. Christensen, Chief Judge  
United States District Court